REMARKS/ARGUMENTS

The non-final Office Action of June 8, 2007 has been reviewed and these remarks are responsive thereto. Applicants note that the undersigned is new counsel of record pursuant to the Power of Attorney filed August 30, 2007. Claims 1, 3, 4, 10-13, 19, 21, and 22 have been amended, claims 5-9, 14-18 and 23-24 have been canceled without prejudice or disclaimer, and new claims 25-38 have been added. No new matter has been added. Claims 1-4, 10-13, 19-22, and 25-38 are pending in this application upon entry of the present amendment. Reconsideration and allowance of the instant application are respectfully requested.

Rejections Under 35 U.S.C. § 101

Claims 10-18 stand rejected under 35 U.S.C. § 101 as being directed to nonstatutory subject matter. In order to expedite allowance, Applicants have amended the claims exactly as suggested by the Examiner in the Office Action. Specifically, claims 10-13 have been amended to replace all instances of the term "machine" with "computer." Applicants respectfully request withdrawal of this rejection.

Rejections Under 35 U.S.C. § 102

Claims 1-5, 7, 10-14, 16, and 19-24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Appl. Pub. No. 2001/0005905 (Saib). Applicants traverse this rejection for at least the following reasons.

Independent claim 1 has been amended to recite receiving an indication of a depression of a channel selection button on a multimedia presentation device controller, "wherein the channel selection button corresponds to a number button (0-9)." The Office Action argues on page 2 that Saib teaches a "numeric channel selection button," by disclosing a jump button that cycles through a loop of stations. However, even assuming, without conceding, that Saib's jump button constitutes a numeric channel selection button, Saib's jump button does not "correspond to a number button (0-9)," as recited in amended claim 1. In Saib, the depression duration for a number button is never discussed and never corresponds to a different function. Therefore, Saib does not teach or suggest, "receiving at a multimedia presentation device controller an indication of a depression of a channel selection button, wherein the channel selection button corresponds

to a number button (0-9)," as recited in claim 1. For at least this reason, amended claim 1 is not anticipated by Saib and thus allowable.

Independent claims 10 and 19 have also been amended to recite receiving an indication of a depression of a channel selection button, "wherein the channel selection button corresponds to a number button (0-9)." Therefore, claims 10 and 19 are not anticipated for at least the same reasons as claim 1. Dependent claims 2-4, 11-13, and 20-22 are not anticipated by Saib for at least the same reasons as their respective base claims, as well as based on the additional features recited therein.

Rejections Under 35 U.S.C. § 103

Claims 8-9 and 17-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Saib in view of U.S. Patent No. 5,982,357 (Burgett). Claims 6 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Saib in view of U.S. Patent No. 4,052,799 (Journot). However, claims 6, 8, 9, 15, 17, and 18 have been cancelled, thereby rendering these rejections moot.

New Claims

Applicants have added new claims 25-38. No new matter has been added. While Applicants note that new claims 25-38 have not been rejected, the following remarks are submitted in the interest of expediting prosecution.

Independent claims 28, 33, and 38 each recite "evaluating a depression duration of the button and classifying the depression duration into one of three or more ranges..." In contrast, Saib's jump button only has two ranges. (See FIG. 3; paragraph [0032]). Specifically, Saib only discloses a single predetermined period of time, wherein if the jump button is depressed for more than the predetermined time an alternative function (i.e., adding/removing the station from the jump loop) will occur. (See Paragraphs [0031]-[0032]). Saib never teaches or even suggests "classifying the depression duration into one of three or more ranges," each of which has an associated function, as recited in independent claims 28, 33, 38. Accordingly, Applicants submit that new claims 28, 33, and 38, as well as their respective dependent claims, are allowable for at least these reasons.

Additionally, dependent claims 25-27 recite, "wherein the function performed corresponds to one of accessing or updating an item in a favorite channel list, wherein the number of the item in the in the favorite channel list is the same as the number of the channel selection button." Claims 29 and 34 recite, "wherein a depression duration…is associated with a termination function," claims 30 and 35 recite, "wherein the button corresponds to a channel up button or a channel down button…," claims 31 and 36 recite, "wherein the button corresponds to a last channel button…," and claims 32 and 36 recite, "wherein…the depression duration corresponds to a progress bar with range labels displayed on the multimedia presentation device." None of the cited references discloses any of the additional features recited in claims 25-27, 29-32, or 34-37. Accordingly, Applicants submit that each of these new claims is allowable for at least these additional reasons.

CONCLUSION

Based on the foregoing, Applicants respectfully submit that the application is in condition for allowance and a Notice to that effect is earnestly solicited. Should the Examiner believe that anything further is desirable in order to place the application in even better form for allowance, the Examiner is respectfully urged to contact Applicants' undersigned representative at the below-listed number.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: December 10, 2007   By: /Brian J. Brisnehan/

Brian J. Brisnehan, Registration No. 60,462
1100 13th St., N.W.
Washington, D.C. 20005-4051
Tel: (202) 824-3000
Fax: (202) 824-3001